

REMARKS/ARGUMENTS

In response to the Official Action mailed October 14, 2005, Applicant submits the following amendments and remarks.

CLAIM REJECTION-35 U.S.C. § 112

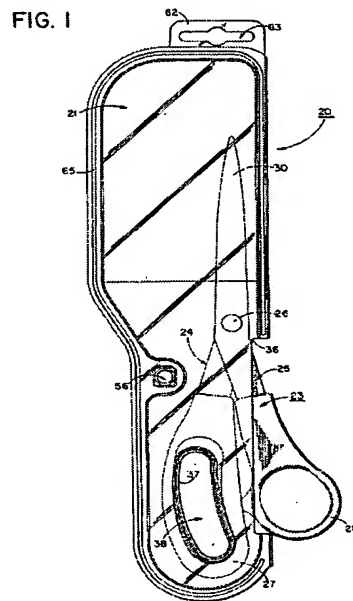
Claims 8-9 and 16-19 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Specifically, the Examiner asserts that independent claims 1 and 10 do not recite the combination of a package and a product, and yet claims 8, 11, and 16 define a product. In response to this rejection, Applicant has amended the independent claims of the present application to specifically claim not only the package, but also the product. Thus, claim 1 is now drawn to a kit including a package and product, while claim 11 is drawn to an apparatus including a product and package, thereby rendering part of the § 112 rejection moot. The remaining claims have also been amended to illustrate that the claimed subject matter includes the product. No new matter has been introduced to the present application as a result of any amendments to the claims.

The Examiner also has rejected claim 11 as being indefinite because claim 11 as stated by the Examiner includes functional limitations without any additional structure. Applicant respectfully traverses the Examiner's rejection and notes that the recitation that the handle extends in a substantially vertical direction when the product is on a display rack is additional structure.

CLAIM REJECTION — 35 U.S.C. § 102 — *Weatherford*

Claims 1, 2, 4-13, 15, 20, and 21 are finally rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent

No. 5,435,447 to *Weatherford et al.* *Weatherford* discloses a package for housing scissors. Fig. 1 of *Weatherford* is reproduced below:



As included in the previous response dated August 22, 2005 to the Official Action dated May 20, 2005, and now specifically recited in claims 1 and 10, the product has a main body and a single handle extending substantially transversely from the body. *Weatherford* discloses packages for products having two handles, not a "single handle." And to the extent that the product included in *Weatherford* has a body, the body extends substantially in a straight line from the handles, not "substantially transversely" to the handles, as included in independent claims 1, 10 and 20 of the present application.

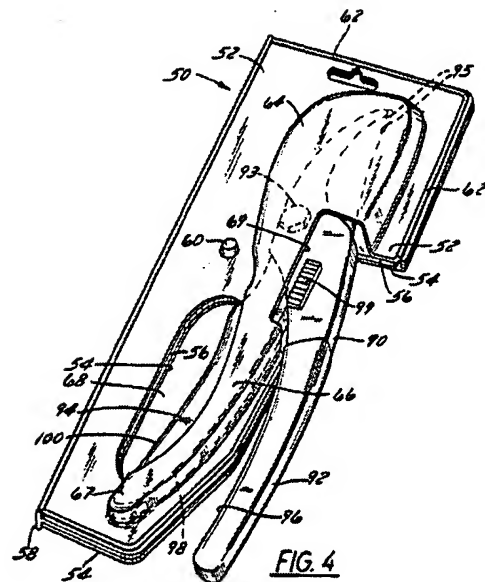
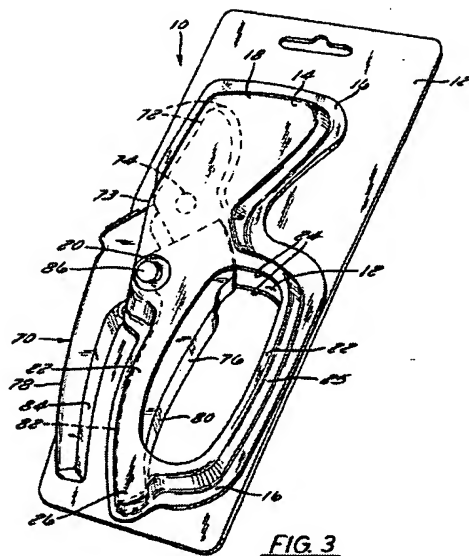
Claim 1 further recites, "a front panel configured to cooperate with the back panel to form an enclosure surrounding at least a portion of the main body and the tip [of the single handle] to secure the product in the enclosure such that the

handle is exposed and a person can grip the handle." As included in the August 22, 2005 response, *Weatherford* discloses front and back panels configured to surround portions of two handles and a straight-line extension of these handles, not a "main body" as so defined and the "tip" of a single handle extending transversely from such a main body. Also, the *Weatherford* package is configured such that the two handles can be partially squeezed together by a person, not "such that the single handle is exposed and a person can grip" the single handle.

Thus, Applicant asserts that amended claim 1 as well as amended independent claims 10 and 20 for similar reasons distinguish over *Weatherford* and should be deemed patentable. Since Applicant's remaining claims depend, either directly or indirectly, upon one of these independent claims, these dependent claims also should be deemed patentable over *Weatherford*.

CLAIM REJECTION — 35 U.S.C. § 102 — SEATON

Claims 1, 2, and 4-21 are finally rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,279,417 to *Seaton*. Similar to *Weatherford*, *Seaton* discloses a package for hand tools such as scissors, pliers, and the like. These embodiments are shown in Figs. 3 and 4 of *Seaton*, which are reproduced below.



Thus, as with *Weatherford*, *Seaton* discloses a package for products having two handles as opposed to a single handle. Also, the *Seaton* packages are configured such that the two handles can be partially squeezed together by a person, not "such that the single handle is exposed and a person can grip" this single handle. Thus, for arguments consistent with those made with regard to *Weatherford*, Applicant asserts that amended claims 1, 10, and 20 as well as their dependent claims, are in condition for allowance and should be deemed patentable over the art cited herein.

CLAIM REJECTIONS — 35 U.S.C. § 103 — THE '417 PATENT OR THE '477 PATENT

Claim 22 is finally rejected under 35 U.S.C. § 103 as being unpatentable over *Seaton* or *Weatherford* in view of an Official Notice. The Examiner asserts that although the base references do not disclose a glue gun, it is notoriously known to place a glue gun in a package such as a blister package. It

therefore would have been obvious in view of Official Action to store a glue gun in the package of *Seaton* or *Weatherford*. With all due respect to the Examiner, amended claim 20 specifically recites a product having a main body and a single handle extending therefrom. The package in which the product is stored surrounds at least a portion of the main body and the tip of the handle to secure the product therein. Thus, since claim 22 depends from claim 20, consistent with arguments made with regard to claims 1, 10, and 20, Applicant asserts that claim 22 should be deemed patentable and allowed.

Claims 14 and 16-19 are finally rejected under 35 U.S.C. § 103(a) as being unpatentable over *Weatherford* in view of an Official Notice. The Examiner asserts that although *Weatherford* does not join the first panel and second panel along the outer edges to form a package, it is well known in the art to provide such a securing mechanism. Regardless, claims 14 and 16-19 depend from claim 10 and thus include all the recitations included within claim 10. For arguments consistent with those made with regard to claim 10, Applicant asserts that claims 14 and 16-19 should also be deemed patentable.

Applicant has also added independent claim 23 for inclusion in the present application. Claim 23 simply recites that the product includes a handle having a proximal end, a middle portion and a distal end. The distal end being remote from the main body. When the product is placed within the package, a back panel and front panel of the package form an enclosure, thereby at least partially surrounding a portion of the main body of the product and also surrounding the distal end of the handle. However, the enclosure does not encumber the middle portion of the handle, thereby enabling a person to grip the entire middle portion of the handle so as to ascertain a

feel and appreciation for the handle of the product. New independent claim 23 should be deemed patentable over the art cited herein as none of the references cited discloses all of the recitations included within claim 23 and specifically that the middle portion of the handle remains unencumbered by an enclosure although a portion of the main body of the product and the distal end of the handle are captured within the enclosure. No new matter has been added by as a result of the addition to the claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: January 17, 2006

Respectfully submitted,

By 

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